

SIKKIM



GOVERNMENT

GAZETTE

**EXTRAORDINARY
PUBLISHED BY AUTHORITY**

Gangtok

Friday 27th August, 2021

No. 258

**GOVERNMENT OF SIKKIM
FORESTS AND ENVIRONMENT DEPARTMENT
FOREST SECRETARIAT, DEORALI-GANGTOK**

No. 79/GOS/ACS/F&ED

Dated: 26/08/2021

NOTIFICATION

WHEREAS, with the judgment order dated 28.03.2008 and 09.05.2008 passed by the Hon'ble Supreme Court of India in Interlocutory Application No.566 in Writ Petition (Civil) No.202 of 1995 the rates have been fixed for charging of Net Present Value (NPV) per Hectare of forest Land on the basis of the monetary value of goods and service provided by the forest;

AND WHEREAS, based upon the subsequent direction received from the Ministry of Environment and Forest, Government of India vide their letter No.5-1/2007-FC dated 11.12.2008, it was felt necessary to charge the payment towards cutting, felling, logging and transportation of project affected trees and forest produce in addition to the Compensatory Afforestation Scheme and Net Present Value against the diversion of forest land for non-forestry use of the User agency under the Forest (Conservation) Act, 1980;

AND WHEREAS, pursuant to the above-mentioned judgment of the Hon'ble Supreme Court and direction of the Ministry of Environment, Forest & Climate Change, Government of India in this respect, the State Government had ordered for the recovery of payment towards cutting, felling, logging and transportation of the project affected trees and forest produce, from the User Agency as notified vide Notification No. 844/799/FCA/FEWMD dated 23/02/2009 published in the Government Gazette vide Gazette No. 49 of 2009 (hereinafter referred to as the 'said notification');

AND WHEREAS, owing to the subsequent elapse of more than ten years and numerous orders and directives to streamline cutting, felling, logging and transportation of the project affected trees and forest produce, it is felt necessary to regulate the management of Operational Cost deposited by the User Agency for cutting, felling, logging and transportation of such trees and forest produce;

NOW THEREFORE, the State Government hereby notifies the following measures to regulate and manage the Operational Cost being deposited by the User Agency towards cutting, felling, logging and transportation of the project affected trees and forest produce, namely:

1. The State Government shall recover the payment towards cutting, felling, logging and transportation of the project affected trees and forest produce, from the User Agency as per the Schedule of Rates (SOR) notified vide Notification No. 268/GOS/FEWMD/Pr.

Secy-PCCF dated 07.11.2016 published in the Government Gazette vide Gazette No. 431 of 2016.

2. No payment towards the cost of standing trees and forest produces involved under the project shall be recovered from the User agency in forest land diversion cases.
3. The disposal of the trees and forest produces standing in the forest land diverted for non-forestry use under the Forest (Conservation) Act, 1980 shall be made as per the guidelines received from the Ministry of Environment, Forest & Climate Change, Government of India vide their Letter No. 5-1/ 98-FC (Pt-II) dated 29.03.2005 which are furnished below, namely:

Sl. No.	Category of land/ forests	Operational Works (Felling of trees, dragging of timber, etc	Disposal of timber and sale of proceeds
(1)	Notified Forests	<ul style="list-style-type: none"> Operational cost to be deposited by the User Agency directly in the name of the concerned Divisional Forest Officer or the Nodal Officer. Such operation shall be carried out by the State Forest Deptt. 	<ul style="list-style-type: none"> Timber shall be disposed off by the State Forest Department in the manner as deemed fit by it and the sale proceeds shall also accrue to the Department.
(2)	Forests /Plantation Notified as Protected Forests on the land owned by Govt. Departments (other than Forest Department)	<ul style="list-style-type: none"> The User Agency shall be responsible for the operation at the project cost under supervision of the land-owning Govt. Department or According to any other arrangement reached between the user Agency and the land-owning Govt. Deptt. 	<ul style="list-style-type: none"> Timber shall be disposed off by the land-owning Govt. Deptt. in consultation with the State Forest Deptt. and the sale proceeds shall also accrue to the land owning Deptt. or
(3)	Government land other than Notified Forests.		<ul style="list-style-type: none"> According to any other arrangement reached between the User Agency and the land-owning Govt. Deptt. in consultation with the State Forest Deptt.
(4)	Private Land	<ul style="list-style-type: none"> The User Agency shall be responsible for the operation at the project cost under supervision of the land owner, or According to any arrangement reached between the user Agency and the land owner. 	<ul style="list-style-type: none"> Timber shall be disposed off by the land owner in consultation with the State Forest Deptt., and the sale proceeds shall also accrue to him or According to any other arrangement reached between the User Agency and the land owner in consultation with the State Forest Department.

4. In order to consolidate Operational Cost deposited by various user agencies and to restrict opening of numerous separate bank accounts in the name of concerned Divisional Forest Officers, a single separate bank account in the name of PCCF / Nodal Officer, Forest (Conservation) Act shall be opened with the concurrence of Finance Department of State Government and O/o Accountant General, Sikkim. This fund, hereafter, shall be called Cutting, Felling, Logging and Transportation Fund.
5. The unspent balance of all monies which has been deposited by various user agencies vide Notification No. 844/799/FCA/FEWMD dated 23/02/2009 and interest earned thereof shall form part of opening balance of the said fund.
6. The fund so deposited shall be under the administrative and financial control of the Principal Chief Conservator of Forests. Further, the Nodal Officer shall be responsible for management of fund and maintenance of proper books of accounts. He / She shall be assisted by officers and staff attached to Forest (Conservation) Act Cell of Forests and Environment Department.
7. Operational Cost shall be utilized for Operational Works which includes the following activities:
 - (i) Extraction of trees and poles from the felling sites.
 - (ii) Collection, segregation and stacking of timber for transportation and auction.
 - (iii) Logging, transportation, sawing and cutting of logs.
 - (iv) Maintenance, upgradation and creation of forest depot and sawmill.
 - (v) any other work as approved by the State Government for allied activities after obtaining concurrence of Finance Department.
8. Interest earned during financial year ending 31st March of every year from newly created separate bank account shall be utilized for the following activities:
 - (i) cost escalation in operational works mentioned in Sl. No. 7.
 - (ii) exigencies as approved by the State Government after obtaining concurrence of Finance Department.
 - (iii) depositing 40% as state government revenue under receipt head 0049 Interest Receipts 04 Interest Receipts of State/Union Territory Governments 800 Other Receipt 03 Interest realized from accounts shall be maintained outside the consolidated fund.
9. The said fund shall be managed according to this notification and the provisions of the Sikkim Financial Rules or any such rules applicable from time to time in the State. Also, the fund shall be subjected to audit by empanelled Chartered Accountants with the Government of Sikkim and annual audit report to be submitted to Nodal Officer, Forest (Conservation) Act.
10. This notification is issued in supersession of the earlier said notification and shall come into force with immediate effect.

BY ORDER AND IN THE NAME OF THE GOVERNOR

M. L. Srivastava, IFS
Additional Chief Secretary-cum-PCCF
Forests and Environment Department

